

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

JOHN ROBERT DEMOS,

Plaintiff,

v.

Civil Action No. 3:08cv332

UNITED STATES,

Defendant.

MEMORANDUM ORDER

By Memorandum Order entered on June 6, 2008, the Court denied Demos's request to proceed in forma pauperis in this action because Demos is precluded from proceeding in forma pauperis under the three strikes provision of 28 U.S.C. § 1915(g).¹ Demos has appealed the Court's decision and seeks leave to proceed in forma pauperis on appeal.² For the reasons set forth in the June 6, 2008 Memorandum Order, the Court certifies that the appeal is not taken in good faith. See 28 U.S.C. §§ 1915(a)(3) and 1915(g). Accordingly, Demos's request to proceed in forma pauperis on appeal (Docket No. 567) is DENIED.

The Court hereby provides Demos notice that, pursuant to Federal Rule of Appellate Procedure 24(a)(5), he may file a motion to proceed on appeal in forma pauperis in the United States Court

¹ See, e.g., Demos v. U.S. Dist. Court for the E. Dist. of Wash., 925 F.2d 1160 (9th Cir. 1991) (citing numerous civil actions filed by Demos that were subsequently dismissed as frivolous).

² The Court notes that Demos has not provided the Court with an affidavit to support his request to proceed in forma pauperis.

of Appeals for the Fourth Circuit within thirty (30) days of entry hereof. Failure to timely file such a motion may result in the loss of the right to file such a motion. The motion must include a copy of this Order.

The Clerk of the Court is DIRECTED to send a copy of this Memorandum Order to Demos and to the Clerk of the United States Court of Appeals for the Fourth Circuit.

It is so ORDERED.

Dated: August 24, 2008
Richmond, Virginia

/s/ REP
Robert E. Payne
Senior United States District Judge